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CHARLES ELMORE CROPLEY
CLERK

SUPREME COURT OF THE UNITED STATES.

[redacted].

No. 9, October Term, 1937.

NOLEN R. BREEDLOVE,

APPELLANT,

vs.

T. EARL SUTTLES, Tax Collector,

APPELLEE.

APPEAL FROM THE SUPREME COURT OF THE STATE OF GEORGIA.

APPELLEE'S MOTION TO DISMISS OR AFFIRM.

CHAS. B. SHELTON,
RALPH H. PHARR,
E. HAROLD SHEATS,
W. S. NORTHCUTT,
Attorneys at Law for Appellee.

504 First Nat'l Bank Bldg.,
Atlanta, Georgia.

ST. LOUIS LAW PRINTING CO., 415 North Eighth Street. CEntral 4477.

INDEX.

	Page
e's motion to dismiss or affirm	1–7
A—Certified documents in the case	9–28

SUPREME COURT OF THE UNITED STATES.

No. 777, October Term, 1936.
No. 9, October Term, 1937.

NOLEN R. BREEDLOVE,
APPELLANT,

vs.

T. EARL SUTTLES, Tax Collector,
APPELLEE.

APPEAL FROM THE SUPREME COURT OF THE STATE OF GEORGIA.

APPELLEE'S MOTION TO DISMISS OR AFFIRM.

Now comes T. Earl Suttles, as Tax Collector of Fulton County, Georgia, the appellee in the above and foregoing appeal, and respectfully submits this motion to dismiss the appeal sought to be taken by Nolen R. Breedlove, as appellant, to the judgment of the Supreme Court of Georgia in the above-entitled case, and respectfully presents this, his motion to dismiss the appeal, and to affirm

the judgment of the Supreme Court of Georgia sought to be reviewed upon each of the following grounds:

I.

Because the petition as amended does not raise a substantial federal question.

II.

Because none of the assignments of error are sufficient to raise any substantial federal question.

III.

In connection with grounds one (1) and two (2) of this motion, appellee respectfully calls the attention of the Court to the fact that it does not appear from the petition that any right secured to petitioner under any clause of the Constitution of the United States is directly challenged. It appears rather from the petition as amended that the gist of plaintiff's complaint is that the payment of accumulated past-due poll taxes, together with penalties and interest thereon, which have accrued from year to year, resulted indirectly, in his case, in an alleged unlawful limitation upon his alleged right to vote. The petition alleges that appellant had been at the time of filing the petition subject to poll taxes as a citizen of Georgia for a period of not less than seven (7) years; that he had never paid any poll taxes, and that by reason of his default from year to year the Registrar of Fulton County refused to register him as a voter unless he paid the poll taxes which had accumulated against him for previous years, including penalties and interest. It further appears from the petition as amended and from the provisions of the Constitution and laws of Georgia cited therein that the

same amount of taxes, penalties and interest would have accrued under similar circumstances against any other tax defaulter, and that all persons similarly situated who had not paid the poll taxes required of them by law would have been disqualified to register for voting without the payment of the same amount of past-due poll taxes, the same penalties and interest at the same rate as was charged in the case of petitioner.

IV.

Because appellant was on March 22, 1937, found guilty in the Superior Court of Fulton County, Georgia, a court having general criminal jurisdiction in said county of the offense of forgery; he having on said date been convicted by a jury in said court upon four (4) counts of a certain indictment returned by the grand jury of said county charging appellant with said offense, and on said date sentenced by the Hon. Paul S. Etheridge, Judge of said court, then and there presiding, for a term of not less than two (2) years nor more than three (3) years in the penitentiary.

V.

That said offense of forgery for which appellant was convicted on said date was and is a crime involving moral turpitude punishable by the laws of Georgia with imprisonment in the penitentiary.

VI.

That Article II, Section II of the Constitution of the State of Georgia, which provides for the disenfranchisement of certain classes of electors, provides that "those who shall have been convicted in any court of competent

jurisdiction of treason against the state, of embezzlement of public funds, malfeasance in office, bribery or larceny, or of any crime involving moral turpitude, punishable by the laws of this state with imprisonment in the penitentiary, unless such persons shall have been pardoned," shall not be permitted to register, vote or hold any office, or appointment of honor, or trust, in this state.

VII.

That appellant has never been pardoned of said offense for which he was so convicted.

VIII.

A copy of said indictment, verdict and sentence, together with the motion for new trial and amended motion, and the order overruling said motion for new trial, and also the order of Hon. Paul S. Etheridge, the Judge of the Superior Court of the Atlanta Circuit in said case presiding, directing that said motion for new trial shall not serve as a supersedeas, all duly authenticated and properly certified according to the Act of Congress in such cases made and provided, is hereto attached, marked "Exhibit A," and made a part of this motion.

IX.

That appellant in this case, Nolen R. Breedlove, is the same individual indicted and convicted under the name of "M. R. Breedlove" in said criminal proceeding, and the same individual as the defendant so described in certified documents hereto attached, marked "Exhibit A."

X.

That Nolen R. Breedlove, the appellant in this case, is the same individual as "N. R. Breedlove," who likewise appears as the defendant in said criminal proceedings and is so designated in the motion for new trial and the amended motion therein, and who signed his name to the consent order in said case dated April 27, 1937, directing that said motion should not operate as a supersedeas, all of which proceedings are particularly described in Exhibit A hereto attached.

XI.

That by reason of the facts described in this motion the writ of mandamus, if it should be granted herein as prayed in the case at bar, would be unavailing and useless by reason of events occurring subsequent to the commencement of the proceedings.

XII.

That by reason of the facts alleged in this motion the conduct of appellant herein, who is an applicant for the writ of mandamus, has not been of such a nature as to render it equitable to grant the writ, if applicant were otherwise entitled thereto, and appellant does not now prosecute this appeal with clean hands.

XIII.

That the time for filing an appeal from said order denying said motion for new trial in said criminal case expired twenty days from the date of said order, which twenty days limit had expired on or before July 5, 1937.

XIV.

That appellant in this case, who is the same individual as "N. R. Breedlove" and the same individual designated as "M. R. Breedlove" in a portion of the record in said criminal case, never prosecuted any appeal from said judgment and order denying a motion for new trial in said criminal proceeding.

XV.

That said order denying a motion for new trial was and is a final judgment in said criminal proceeding.

XVI.

That the final judgment in said criminal proceeding was not rendered until after the time prescribed by Rule 12, Par. 3, of the Revised Rules of the Supreme Court of the United States had expired.

Wherefore, appellee prays:

(a) That this appeal be dismissed.

(b) That the judgment of the Supreme Court of Georgia, from which this appeal was taken, be affirmed.

(c) That appellant be required to file a response to this motion or to make discovery under oath regarding the facts disclosed herein with respect to said criminal proceeding or that a commission issue to take depositions

with respect thereto or that such other order be passed in the premises as the Court may direct.

(d) For such other and further relief as the Court may deem proper.

CHAS. B. SHELTON,
RALPH H. PHARR,
E. HAROLD SHEATS,
W. S. NORTHCUTT,
Attorneys at Law for Appellee.

504 First Nat'l Bank Bldg.,
Atlanta, Georgia.

Georgia, Fulton County:

Personally appeared T. Earl Suttles, who, on oath, first being duly sworn, deposes and says that he is the Tax Collector of Fulton County, the appellee in the above and foregoing case; that he has carefully investigated the truth of the facts set forth in the above and foregoing motion, and that the facts set forth in the above and foregoing motion to dismiss and to affirm the judgment of the Supreme Court of Georgia are true.

T. Earl Suttles.

Sworn to and subscribed before me this the 1st day of October, 1937.

Readie P. Ashurst,
Notary Public, Georgia.

(Seal) Notary Public, State at Large, Atlanta, Ga.

My commission expires Sept. 3, 1939.

EXHIBIT A.

SENTENCE:

Charge Felony (Fict Cks)

(Seal) Fulton Superior Court

Mch Term, 1937

No. 46964

The State
vs.
M. R. Breedlove } Verdict of Guilty to Ct. #1

Whereupon, It is ordered and adjudged by the Court that the Defendant, M. R. Breedlove be taken from the Bar of this Court to the jail of Fulton County, and be there safely kept until a sufficient guard is sent for him from the Georgia Penitentiary, and be then delivered to, and be by said guard taken to said Penitentiary, or to such other place as the Governor may direct, where he, the said M. R. Breedlove be confined at hard labor for the full term of not less than Two (2) years, and not more than Three (3) years, to be computed as provided in the Act approved August 27, 1931.

By the Court 3/22 1937

Paul S. Etheridge
Judge S. C. A. C. Presiding.

John A. Boykin
Solicitor General.

Georgia, Fulton County:

I, the undersigned, Deputy Clerk of the Superior Court, in and for said County, do hereby certify that the above

is a true and complete copy of the sentence and judgment of the Court in the case of State vs. ..... convicted of.....as appears of record and from the minutes of said Court.

Given under my official signature and the seal of said Court, This.....day of.....193...

.....Deputy C. S. C.

I certify that under the above sentence the term should be computed from.....193...

.....
Deputy Clerk, Fulton Superior Court.

SENTENCE:

Charge Felony (Fict. Cks.)

(Seal) Fulton Superior Court

Mch. Term, 1937

No. 46964

The State
vs.
M. R. Breedlove } Verdict of Guilty Ct. #2.

Whereupon, It is ordered and adjudged by the Court that the Defendant, M. R. Breedlove be taken from the Bar of this Court to the jail of Fulton County, and be there safely kept until a sufficient guard is sent for him from the Georgia Penitentiary, and be then delivered to, and be by said guard taken to said Penitentiary, or to such other place as the Governor may direct, where he, the said M. R. Breedlove be confined at hard labor for the full

term of not less than Two (2) years, and not more than Three (3) years, to be computed as provided in the Act approved August 27, 1931. The above sentence to run concurrently with sentence in case No 46964 Ct #1.

By the Court /3/22 1937

Paul S. Etheridge
Judge S. C. A. C. Presiding.

John A. Boykin
Solicitor General.

Georgia, Fulton County:

I, the undersigned, Deputy Clerk of the Superior Court, in and for said County, do hereby certify that the above is a true and complete copy of the sentence and judgment of the Court in the case of State vs..... convicted of.....as appears of record and from the minutes of said Court.

Given under my official signature and the seal of said Court, This.....day of.....193...

.....Deputy C. S. C.

I certify that under the above sentence the term should be computed from.....193...

.....
Deputy Clerk, Fulton Superior Court.

SENTENCE:

Charges Felony Fict Cks.

(Seal) Fulton Superior Court

Mch Term, 1937

No. 46964

The State
vs.
M. R. Breedlove } Verdict of Guilty to Ct. #3

Whereupon, It is ordered and adjudged by the Court that the Defendant, M. R. Breedlove be taken from the Bar of this Court to the jail of Fulton County, and be there safely kept until a sufficient guard is sent for him from the Georgia Penitentiary, and be then delivered to, and be by said guard taken to said Penitentiary, or to such other place as the Governor may direct, where he, the said M. R. Breedlove be confined at hard labor for the full term of not less than Two (2) years, and not more than Three (3) years, to be computed as provided in the Act approved August 27, 1931. The Above Sentence to Follow Sentence in Case No 46964 Ct #1

By the Court 3/22 1937

Paul S. Etheridge
Judge S. C. A. C. Presiding.

John A. Boykin
Solicitor General.

Georgia, Fulton County:

I, the undersigned, Deputy Clerk of the Superior Court, in and for said County, do hereby certify that the above is a true and complete copy of the sentence and judgment of the Court in the case of State vs. .....

convicted of.....as appears of record and from the minutes of said Court.

Given under my official signature and the seal of said Court, This.....day of.....193...

.....Deputy C. S. C.

I certify that under the above sentence the term should be computed from.....193...

.....
Deputy Clerk, Fulton Superior Court.

SENTENCE:

Charge Felony (fict Cks.)

(Seal) Fulton Superior Court
Mch Term, 1937
No. 46964

The State
vs.
M. R. Breedlove } Verdict of Guilty to Ct #4

Whereupon, It is ordered and adjudged by the Court that the Defendant, M. R. Breedlove be taken from the Bar of this Court to the jail of Fulton County, and be there safely kept until a sufficient guard is sent for him from the Georgia Penitentiary, and be then delivered to, and be by said guard taken to said Penitentiary, or to such other place as the Governor may direct, where he, the said M. R. Breedlove be confined at hard labor for the full term

of not less than Two (2) years, and not more than Three (3) years, to be computed as provided in the Act approved August 27, 1931. The above sentence to run concurrently with sentence in case No 46964 Ct #3.

By the Court 3/22 1937

Paul S. Etheridge
Judge S. C. A. C. Presiding.

John A. Boykin
Solicitor General.

Georgia, Fulton County:

I, the undersigned, Deputy Clerk of the Superior Court, in and for said County, do hereby certify that the above is a true and complete copy of the sentence and judgment of the Court in the case of State vs. .....
convicted of.....as appears of record and from the minutes of said Court.

Given under my official signature and the seal of said Court, This.....day of.....193...

.....Deputy C. S. C.

I certify that under the above sentence the term should be computed from.....193...

.....
Deputy Clerk, Fulton Superior Court.

State of Georgia, County of Fulton

In the Superior Court of Said County.

The Grand Jurors selected, chosen and sworn for the County of Fulton, to-wit:

1 Lewis C. Gregg, Foreman, Foreman.

2	P. L. Bardin	13	S. H. McGuire
3	Nelson Crist	14	B. F. Willis
4	George F. Eubanks	15	L. F. Green
5	F. R. Jones	16	R. C. Darby
6	J. D. Burnett	17	J. Russell Porter
7	H. H. Fields	18	~~William Akers~~
8	Archibald Gann	19	E. C. Findley
9	J. C. Phillips	20	Charles A. Clayton
10	W. S. Bailey	21	~~Paul Seydell~~
11	W. Hal Barker	22	J. P. Allen
12	L. H. Palmer	23	J. H. Manning

in the name and behalf of the citizens of Georgia, charge and accuse

M. R. Breedlove

with the offense of—

Felony

for that the said accused, in the County of Fulton and State of Georgia, on the

9th day of February, 1937

with force and arms did designedly, by color of a check endorsed in the counterfeit and fictitious name of D. W. Slater, Mgr. & President, said chack being in form and substance as follows:

"First National Bank 64-1
Main Office

Atlanta, Ga., Feb 8th 1937 No.....

Pay to the order of Atlanta Advertising & Pub. Co.
$5.00 Five and.....00/100 Dollars
For advertising Police Report W. M. Mabson
Frances Hotel"

obtain of and from J. S. Sparts, five dollars in money of the value of $5.00 all of which was done with intent to defraud The First National Bank of Atlanta, W. M. Mabson and J. S. Sparts; and all said acts of accused were and are, contrary to the laws of said State, the good order, peace and dignity thereof.

Count Two

And the Grand Jurors aforesaid, on their oaths aforesaid, charge and accuse M. R. Breedlove, with the offense of Felony, for that said accused, in the County of Fulton, State of Georgia, on the 17th day of February, 1937, with force and arms, did designedly, by color of a check endorsed in the counterfeit and fictitious name of Franklin L. Boyd, said check being in form and substance as follows:

"The George W. Tumlin Co. No. 7399

Atlanta, Ga. 2/17 1937

Pay to the order of Mr. Franklin L. Boyd $5.00
Five & no/100.....Dollars
To First National Bank
Main Office 64-1
Atlanta, Ga. The George W. Tumlin Co.
By C. C. Johnston
Secy. & Treas"

obtain of and from J. S. Sparks, five dollars in money of the value of $5.00 all of which was done with intent to defraud The First National Bank of Atlanta, The George W. Tumlin Company and J. S. Sparts; and all said acts of accused were and are, contrary to the laws of said State, the good order, peace and dignity thereof.

Count Three

And the Grand Jurors aforesaid, on their oaths aforesaid, charge and accuse M. R. Breedlove, with the offense of Forgery, for that said accused, in the County of Fulton, State of Georgia, on the 22nd day of January, 1936, with force and arms, did wrongfully, falsely and fraudulently make, sign and forge the name of A. J. Hartley, on and to a certain receipt and writing, which was in form and substance as follows,—

"The Georgia Justice News
Display Advertising Órder

Date Jan 22 1936

Name of Firm Fisher Torres Cafe
Address Peachtree St.
Authorized by Mr. Torries
Position Mgr.
Date of Insertion Jan Consecutive Issues to Run one
Inches 1 Columns 2 Total Inches 3
Cuts. none Solicitor M. R. Breedlove
Rate per Insertion $5.00

(Paste Copy Here)

After this adition ad to run untill date of convention wich will be March 22-1937.

Signed Judge
A. J. Hartley
President & orginizer

said signing as aforesaid of the name of A. J. Hartley to said receipt and writing being done without legal warrant or authority and with intent to defraud Fischer-Torres Cafe, Inc. and A. J. Hartley, contrary to the laws of said State, the good order, peace and dignity thereof.

Count Four

And the Grand Jurors aforesaid, on their oaths aforesaid, charge and accuse M. R. Breedlove, with the offense of Forgery, for that said accused, in the County of Fulton, State of Georgia, on the 20th day of February, 1937, with force and arms, did wrongfully, falsely and fraudulently make, sign and forge the name of A. J. Hartley, on and to a certain letter and writing, which was in form and substance as follows,—

"The Georgia Justice News
Official Publication of
The Georgia Justice and Constables Association
'Circulatilon in 159 Counties of Georgia'
419 Palmer Building
Atlanta, Ga.

Feb 20. 1937

National Paper Co.
334 Simpson St.
City.

Mr. Wellhouse.

Sir in refurence to your conversation, with Mr. Boyd. I am very sorry, there was some misunder standment, There I deem it a pleasure to come to the point, and try in to straighten it out, in regards to how to make out your check for your display ad in the Atlanta Police and Constables report Book, You may make it to the Ga. Justice And Constables Asso-

ciation. Of which I am Chairman and Organizer, Or The Police Dept. either will do, inclosed you will find a copy of your ad. we hope to here from you at your earlyest moment, thanking you for your corpration and all consideration.

Please address us at the above address.

Cordially,

A. J. Hartley

REL:CS Judge A. J. Hartley

said signing as aforesaid of the name of A. J. Hartley to said letter and writing, being done without legal warrant or authority and with intent to defraud the National Paper Company and A. J. Hartley, contrary to the laws of said State, the good order, peace and dignity thereof.

John A. Boykin, Solicitor General.

Special Presentment

cs

w-ar

Recorder

Clerk's No. 46964

Witnesses:
W. M. Mabson,
% Frances Hotel,
corner P'tree & Ivy Sts.
C. C. Johnston,
% Geo. W. Tumlin Co.
Soda Fount
1st Floor Hurt Bldg
J. S. Sparts,
% United Cigar Store
33 P'tree St N W
Mr. Wellhouse,
% Nat'l Paper Co.
334 Simpson St N W
A. J. Hartley,
419 Palmer Bldg.
Officers H. T. Brown
W. F. White
Mr. Clarence Torres,
% Fischer-Torres Co.
588 P'tree St

Fulton Superior Court

The State
vs.
M. R. Breedlove

Felony
(4 Counts)

True Bill
5th day of March 1937
Lewis C. Gregg, Foreman

M. R. Breedlove
waives copy of indictments, list of witnesses, full panel, formal arraignment, and pleads not guilty.
John A. Boykin Sol. Gen.
O. N. Singleton Deft's Atty.

1. We the jury find the defendant guilty as charged in count one, And sentence him from two to three years and recommend this count to be treated as a misdemeanor. This 22nd day of March, 1937.

Foreman Ernest Towns

2. We the jury find the defendant guilty as charged in Count Two and sentence him from two to three years and recommend this count to be treated as a misdemeanor. This 22nd day of March 1937.

Foreman Ernest Towns

3. We the jury find the defendant guilty as charged in count Three and sentence him from Two to three years and recommend this count to be treated as a misdemeanor. This 22nd day of March, 1937.

Foreman Ernest Towns

4. We the jury find the defendant guilty as charged in Count Four and sentence him from two to three years and recommend this count to be treated as a misdemeanor. This 22nd day of March, 1937.

Foreman Ernest Towns

The State
vs
N. R. Breedlove
} No 46964
Fulton Superior Court

Defendant in the above captioned case having been convicted and sentence imposed, and having made a motion for a new trial, which is still pending, and it having been made to appear to the Court through his counsel of record that it is the desire of defendant that said motion for new trial do not operate as a supersedeas, but that pending final disposition thereof defendant may be privileged to begin serving the sentence heretofore imposed upon him by the Court, upon motion of counsel for defendant,

It Is Considered, Ordered and Adjudged that the motion of defendant for new trial shall not operate as a supersedeas, and that the Sheriff is directed to surrender defendant to the Prison Commission of the State of Georgia in order that they may direct where he shall begin the service of the sentence imposed in this case.

This the 27 day of April, 1937.

Paul S. Etheridge
Judge S. C. A. C.

The foregoing agreed and consented to:

N. R. Breedlove
Defendant

O. N. Singleton
Attorney for Defendant

Sentence sent to Sheriff
4/27/37

MOTION FOR NEW TRIAL

The State vs. N. R. Breedlove	No. 46964 Fulton Superior Court Criminal Division

Verdict and Judgment for The State at March term, 1937, of Fulton Superior Court, on 22nd day of March 1937.

The defendant being dissatisfied with the verdict and judgment in said case, comes during said term of court, before the adjournment thereof, and within 30 days from said trial, and moves the court for a new trial, upon the following grounds, to-wit:

1st. Because the verdict is contrary to evidence and without evidence to support it.

2nd. Because the verdict is decidedly and strongly against the weight of the evidence.

3rd. Because the verdict is contrary to law and the principles of justice and equity.

4th, The court failed to exclude inadmissible evidence.

Whereupon defendant prays that these, four grounds for a new trial, be inquired of by the court, and that a new trial be granted.

O. N. Singleton
Attorney for Movant.

Order to Show Cause and Supersedeas.

The foregoing motion read and considered. Let the motion be filed, served upon Counsel for the plaintiff, and let the plaintiff show cause before me on the 17 day of April, 1937, why the motion should not be granted. Let this order act as a supersedeas until further order of Court.

In the meantime and until the final hearing of said Motion, whenever the same may be had, Movant is allowed to amend and perfect the motion, and to prepare, present for approval, and file the brief of evidence in said case.

This 24 day of March 1937.

Paul S. Etheridge
Judge

Due and Legal service of the within motion and order acknowledged, time, copy and all other and further service waived. This 24 day of Mar. 1937.

John A. Boykin Sol Genl.
Attorney for State.

Suit No. 46964

Motion for New Trial

The State
vs
N. R. Breedlove

Filed in office this 24 day of Mch 1937.

W. H. Spratlin Dep. Clerk.
O. N. Singleton
Attorney for Movant.

Motion No. Docket page 99
Minutes.....Page.....

The State
vs.
N. R. Breedlove
} No.
Fulton Superior Court

Now comes the defendant in the above stated case, and files this his amendment to his original motion for new trial and for grounds thereof shows the following:

1. That the Court erred in charging in the beginning that all counts came under the same law, whereupon the Judge charged Code Section 249 of the Penal Code of Georgia, after counsel for defendant had been advised in open Court by the Assistant Solicitor General that the indictments were returned and were being prosecuted under Code Sections 245 and 249 of the Penal Code; that the defendant was injured and damaged by said erroneous charge for that the letters which were allegedly forged and upon which are embraced in Counts three and four of said indictment were not used as an artifice and scheme for the purpose of defrauding, but were in adjustment of a previous dispute.

2. That the Court erred in failing to exclude the purported confession for that the testimony showed that said confession was not made voluntarily, but was made upon the promise of A. J. Hartley that it would be best for him to tell Hartley if he had been anywhere else transacting any other business.

Wherefore, Defendant prays that this his amended motion for new trial be allowed and ordered filed and that the Court do grant a new trial that the best interests of society may be met.

Ossie N. Singleton
Attorney for Defendant.

This amendment is hereby allowed, the grounds thereof are hereby approved.

June 14, 1937.

Paul S. Etheridge
Judge S. C. A. C.

This motion for new trial, as amended is hereby overruled and a new trial is denied.

June 14, 1937.

Paul S. Etheridge
Judge S. C. A. C.

Filed in office this the 14 day of June, 1937

W. H. Spratlin
D. C.

(Seal) Georgia,
Fulton County

I, J. W. Simmons, Clerk of the Superior Court of Fulton County, do hereby certify that I have compared the foregoing copy of Indictment, Plea, Jury verdicts, sentences, motion for new trial, amended motion for new trial, and orders of court thereon in case:

The State vs M. R. Breedlove, No 46964,
Superior Court of Fulton County.

with the original record thereof, now remaining in this office, and the same is a correct transcript therefrom, and of the whole of such original record, and that said Court is a Court of Record.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, this the 29th day of Sept. 1937.

J. W. Simmons
(Seal) Clerk Superior Court of Fulton County,
Georgia.

Georgia, Fulton County—ss.

I, Virlyn B. Moore do certify that I am Judge of the Superior Court of Fulton County, Georgia, and that I am the Presiding Judge of said Court, and that the above attestation, subscribed by J. W. Simmons as Clerk of said Court, is sufficient and in due form of law, and that his signature thereto is genuine.

Witness my hand and official signature, this the 29th day of Sept. 1937.

Virlyn B. Moore
(Seal) Judge Superior Court, Fulton County, Georgia.

Georgia, Fulton County—ss.

I, J. W. Simmons, Clerk of the Superior Court in and for said County, hereby certify that the above attestation of Hon. Virlyn B. Moore Judge of the Superior Court of Fulton County, Georgia, is his genuine signature, and that he is Judge of said Court, and said certificate is in due form of law.

Given under my hand and seal of office this the 29th day of Sept. 1937.

J. W. Simmons
(Seal) Clerk Superior Court of Fulton County, Georgia.